

ASSEMBLY BILL

No. 1911

Introduced by Assembly Member Patterson

February 19, 2014

An act to amend Sections 13952.5 and 13958 of the Government Code, relating to victims of crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 1911, as introduced, Patterson. Victims of crime: compensation.

Existing law authorizes the California Victim Compensation and Government Claims Board to award compensation to a crime victim or derivative victim, as defined, from the Restitution Fund, a continuously appropriated fund, for the pecuniary losses that he or she suffers as a direct result of a criminal act. Existing law requires the board to approve or deny applications, based on recommendations of the board staff, within an average of 90 calendar days and no later than 180 calendar days of acceptance by the board or victim center. Existing law requires quarterly reports to the Legislature if the board does not meet the 90-day average standard, until the standard is met for 2 consecutive quarters. Existing law requires the board, if it fails to approve or deny an individual application within 180 days of the date it is accepted, to advise the applicant and his or her representative, in writing, of the reason for the failure to approve or deny the application. Existing law provides for emergency awards under specified circumstances, and requires that disbursements of funds for emergency awards be made within 30 calendar days of application.

This bill would shorten the time period in which the board must approve or deny an application to within 30 calendar days of the date of acceptance by the board or victim center. The bill would require

quarterly reports to the Legislature if the board does not meet a 30-day deadline until the board meets the 30-day deadline for accepted applications for 2 consecutive quarters. The bill would require written advisement if the board fails to approve or deny an individual application by the 30-day deadline. The bill would also shorten the time period in which the board must make disbursements of funds for emergency awards to within 5 business days of application.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13952.5 of the Government Code is
2 amended to read:
3 13952.5. (a) An emergency award shall be available to a person
4 eligible for compensation pursuant to this chapter if the board
5 determines that ~~such an~~ *the* award is necessary to avoid or mitigate
6 substantial hardship that may result from delaying compensation
7 until complete and final consideration of an application.
8 (b) The board shall establish the method for requesting an
9 emergency award, which may include, but need not be limited to,
10 requiring submission of the regular application as provided for in
11 Section 13952.
12 (c) (1) The board may grant an emergency award based solely
13 on the application of the victim or derivative victim. The board
14 may refuse to grant an emergency award where it has reason to
15 believe that the applicant will not be eligible for compensation
16 under this chapter.
17 (2) By mutual agreement between the staff of the board and the
18 applicant or the applicant's representative, the staff of the board
19 may take additional 10-day periods to verify the emergency award
20 claim and make payment.
21 (3) The board may delegate authority to designated staff persons
22 and designated agencies, including, but not limited to, district
23 attorneys, probation departments, victim centers, and other victim
24 service providers approved by the board and under contract with
25 the board, who shall use guidelines established by the board, to
26 grant and disburse emergency awards.
27 (d) Disbursements of funds for emergency awards shall be made
28 within ~~30 calendar~~ *five business* days of application.

(e) (1) If an application for an emergency award is denied, the board shall notify the applicant in writing of the reasons for the denial.

(2) An applicant for an emergency award shall not be entitled to a hearing before the board to contest a denial of an emergency award. However, denial of an emergency award shall not prevent further consideration of the application for a regular award and shall not affect the applicant's right to a hearing pursuant to Section 13959 if staff recommends denial of a regular award.

(f) (1) If upon final disposition of the regular application, it is found that the applicant is not eligible for compensation from the board, the applicant shall reimburse the board for the emergency award pursuant to an agreed-upon repayment schedule.

(2) If upon a final disposition of the application, the board grants compensation to the applicant, the amount of the emergency award shall be deducted from the final award of compensation. If the amount of the compensation is less than the amount of the emergency award, the excess amount shall be treated as an overpayment pursuant to Section 13965.

(3) "Final disposition," for the purposes of this section, shall mean the final decision of the board with respect to the victim's or derivative victim's application, before any action for judicial review is instituted.

(g) The amount of an emergency award shall be dependent upon the immediate needs of the victim or derivative victim subject to rates and limitations established by the board.

SEC. 2. Section 13958 of the Government Code is amended to read:

13958. (a) The board shall approve or deny ~~applications, an application, based on recommendations~~ *the recommendation* of the board staff, ~~within an average of 90 calendar days and no later than 180~~ *30 calendar days of the date of acceptance by the board* or victim center.

~~(a)~~

(b) If the board does not meet ~~the 90-day average standard a 30-day deadline as prescribed in this subdivision,~~ *subdivision (a),* the board ~~shall,~~ thereafter, *shall* report to the Legislature, on a quarterly basis, its progress and its current average time of processing applications. These quarterly reports shall continue

1 until the board meets the ~~90-day average standard~~ *30-day deadline*
2 for *accepted applications* for two consecutive quarters.
3 ~~(b)~~
4 (c) If the board fails to approve or deny an individual application
5 within ~~180~~ *30 calendar* days of the date it is accepted, pursuant to
6 ~~this subdivision~~, the board shall advise the applicant and his or her
7 representative, in writing, of the reason for the failure to approve
8 or deny the application.

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